



Docket No.: 205305US6

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/819,849  
Applicants: Yukio SHISHIDO  
Filing Date: March 29, 2001  
For: DATA RECORDING APPARATUS, DATA  
RECORDING METHOD, AND OPTICAL  
RECORDING MEDIUM  
Group Art Unit: 2655  
Examiner: PATEL, G.

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APR 20 2004

Technology Center 2600

SIR:

Attached hereto for filing are the following papers:

**ELECTION OF SPECIES**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Bradley D. Lytle

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DOCKET NO: 205305US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
YUKIO SHISHIDO : EXAMINER: PATEL, G.  
SERIAL NO: 09/819,849 :  
FILED: MARCH 29, 2001 : GROUP ART UNIT: 2655  
FOR: DATA RECORDING APPARATUS, :  
DATA RECORDING METHOD, AND  
OPTICAL RECORDING MEDIUM

*W. Patel*  
*4-26-04*  
*[Signature]*

ELECTION OF SPECIES

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SIR:

In response to the Election Requirement stated in the Official Action dated March 16, 2004, Applicants respectfully traverse the Election of Species Requirement in the above-identified patent application. The reason for the traversal is that the election identifies the embodiment of Figure 8 and the embodiment of Figure 9 as being patentably distinct species. However, the embodiment of Figure 8 is essentially contained in the embodiment of Figure 9, as steps S1-S9 correspond with Steps S10, S11, S12, S14, S15, S23, S24, S21 and S25 respectively. Accordingly, it is believed that it is appropriate to examine claims covering both embodiments of Figures 8 and 9. Furthermore, Applicants provisionally elect the

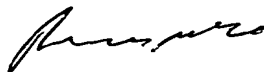
Application No. 09/819,849  
Reply to Office Action of March 16, 2004

Species of Figure 8 and identify Claims 1, 2, 4-9, 10, 13-20, 22-26 as readable thereon.

Furthermore, Applicants identify at least Claims 1, 10, 19 and 26 as being generic to both embodiments identified in the Office Action.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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